

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 FRANCIS G. WATSON, individual,)

4 Plaintiff,)

5 v.)

Case No. 2:16-cv-00608

ORDER

6 RYAN P. MOLCHAN, M.D., an individual;)
 7 MUZAFFAR H. KIRMANI, M.D., an individual;)
 8 NEVADA RETINA ASSOCIATES, LAS)
 9 VEGAS, PROF. CORP., a Nevada Domestic)
 10 Professional Corporation; DAN L. EISENBERG,)
 11 M.D., an individual; SHEPHERD EYE CENTER,)
 LTD, Nevada Domestic Professional Corporation;)
 DOES I-X, and ROE ENTITIES I-X,)

Defendants.)

12 THIS COURT, having been fully apprised that the United States Attorney for the District of
 13 Nevada has certified that the individual defendant, Ryan P. Molchan, M.D., was acting within the scope
 14 of federal employment or office at the time of the events alleged in the complaint, and the Court having
 15 been apprised of the substitution of the United States as defendant for the asserted tort claims by
 16 operation of law pursuant to 28 U.S.C. § 2679(d)(2),

17 **IT IS HEREBY ORDERED** that pursuant to 28 U.S.C. § 2679(b)(1), (d)(2), Ryan P. Molchan,
 18 M.D., is dismissed from this action on the grounds that the exclusive remedy for tort claims, which arise
 19 from the negligent or wrongful acts or omissions of federal employees acting within the scope of their
 20 office or employment, is an action against the United States, and the United States has been substituted
 21 for Ryan P. Molchan, M.D., as the defendant for such tort claims.

22 **IT IS FURTHER ORDERED** that the caption for this action is hereby modified to reflect the
 23 substitution of the United States for Ryan P. Molchan, M.D., as the federal defendant in this matter.

24 

25 **RICHARD F. BOULWARE, II**
 26 **UNITED STATES DISTRICT JUDGE**
DATED: January 30, 2017